

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JONATHAN JAMES NEWELL,)	
)	
Petitioner,)	
)	
v.)	1:17CV254
)	
GEORGE SOLOMAN,)	
)	
Respondent.)	

ORDER

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. §636(b) and, on December 1, 2017, was served on the parties in this action. (ECF Nos. 26, 27.) Petitioner objected to the Recommendation. (ECF No. 28.)

The Court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The Court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Petitioner's "Motion for Nihil Dicit Judgment to Quash Summary Judgment", (ECF No. 7), "Motion for Estoppel in Pais and Quash Answer" (ECF No. 8), "Request to Expand the Record to Include the Prison Records Mental Health Files History to Current Treatment in Camera Review", (ECF No. 11), Motion to "Quash the Bill of Information for Improper Procedure" (ECF No. 19), and Motion for Judgment on the Pleadings, (ECF No. 22), be DENIED.

IT IS FURTHER ORDERED that the petition for Writ of Mandamus, (ECF No. 24), be DISMISSED without prejudice for lack of jurisdiction.

IT IS FURTHER ORDERED that Respondent's Motion for Summary Judgment, (ECF No. 5), be GRANTED, that the Petition, (ECF No. 1), be DISMISSED as time-barred, and that Judgment be entered dismissing this action.

A Judgment dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

This, the 25th day of January, 2018.

/s/ Loretta C. Biggs
United States District Judge